

**FILED**  
Clerk  
District Court

**JUL 10 2008**

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

ERIC JOHN TUDELA MAFNAS  
REG,NO. 00483-005  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 9000  
SAFFORD, AZ 85548

PRO SE

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,  
Respondent(s),  
  
vs.  
  
ERIC JOHN TUDELA MAFNAS,  
Petitioner.

**CV 08 - 0031**

CASE NO. CR-04-00038-001

**MOTION FOR APPOINTMENT OF  
COUNSEL PURSUANT 18 U.S.C.  
§ 3006A (g).**

**COMES NOW**, ERIC JOHN TUDELA MAFNAS, requesting that the Honorable of this Court to please accept this motion. in its form, requesting this court to appoint counsel, to represent me during proceeding under Title 28 U.S.C. §2255.

Petitioner in this matter cannot afford to hire private counsel due to the fact that I am indigent. I have no training or experience to adequately represent myself. This §2255 proceeding is a critical step of my due process, and it would be unjust to leave me without a counsel at this time in the proceeding.

There were errors, omissions, mistakes and defendant's Sixth Amendment right to counsel were violated. There was also a conflict of interest during trial in this matter. There were several other constitutional violation that accord in defendant's case, in which counsel failed to raised during direct appeal.

It would be in the court's best interest as well as mine , to have

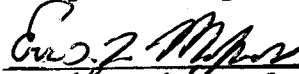
1 someone trained to handle this case.

2 Counsel must be appointed for an indigent federal habeas  
3 petitioner only when the interest of justice or due process so  
4 require. 18 U.S.C. §3006A(g); Norris v. Wainwright, 588 F.2d 130,  
5 133(5th Cir.), cert denied, 444 U.S. 846, 100 S.Ct. 93, 62 L.Ed,  
6 2d 60 (1979).

7 Petitioner in this matter prays that the Honorable of this court  
8 grant counsel in the above case.

9  
10  
11 Dated 28<sup>th</sup>, May, 2008

Respectfully Submitted



Eric John Tudela Mafnas  
Reg.No. 00483-005  
FCI Safford  
P.O. Box 9000  
Safford, AZ 85548

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19 **CERTIFICATE OF SERVICE**

20 I HEREBY CERTIFY that a true and correct copy of the foregoing  
21 motion for Appointment of Counsel was mailed via first class, pre  
22 paid mail this 29th day of May, 2008 to the Clerk of the court  
for the Northern District of Mariana Islands, P.O. Box 500687,  
Saipan, MP 96950.

23  
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have served an accurate copy of the attached 28 U.S.C. §2255 motion to vacate and set aside sentence. Affidavit in support of motion and Exhibit's A,B,C,D,E, in support of defendant's motion.

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upon the following party (ies):

To: The Clerk of the Court  
District Court for Northern  
Mariana Islands.  
P.O.Box 500687  
Saipan, MP. 96950

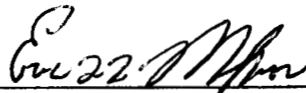
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U.S. District Attorney  
District of Northern Marianas Islands  
P.O.Box 500377  
Saipan, MP. 96950

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postage prepaid, by placing same in the Bureau of Prisons' mailing system, on the date set forth below.

DATED: May 28, 2008.  
Safford, Arizona

  
Eric John Tudela Mafnas  
Reg. No. 00483-005  
Federal Correctional Institution  
P.O.Box 9000  
Safford, AZ. 85548